

**REMARKS**

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claims 2, 4, 7 and 8 have been canceled without prejudice or disclaimer. The subject matter of claims 2, 4 and 8 have been incorporated into each of claims 1, 10 and 11. Claims 1, 10 and 11 have also been amended to recite that  $m^1$ ,  $m^2$  and  $m^3$  respectively represent an integer from 1 to 10. Support for such amendments can be found at least at the paragraph bridging pages 6 and 7 of the instant specification. Claims 1, 10 and 11 have further been amended for readability purposes, and now recite the phrase "same as or different from each other." In addition, claim 11 has been amended for readability purposes, and now recites "wherein the at least one optically anisotropic layer is disposed between the liquid crystal cell and at least one of the pair of polarizing films."

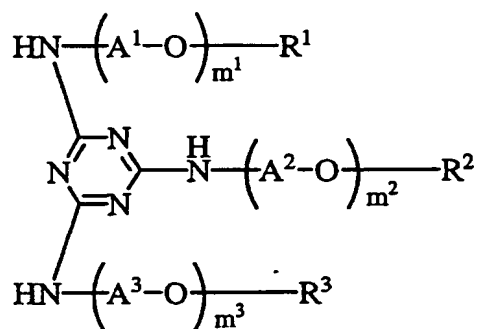
New claims 13-15 depend from claim 1 and are directed to further aspects of the present invention. Support for such new claims can be found in the instant specification at least at page 7, lines 3-9. Applicants note that with regard to claim 15, support exists for the recited  $C_{3-30}$  non-substituted alkyl group in light of the disclosure of a  $C_{1-30}$  non-substituted alkyl group taken in connection with the disclosed isopropyl group, which contains three carbon atoms.

In the Official Action, claims 1-12 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is moot in light of the above amendments in which claims 1, 10 and 11 have been amended to recite that  $m^1$ ,  $m^2$  and  $m^3$  respectively represent an integer from 1 to 10. Accordingly, withdrawal of the §112, second paragraph, rejection is respectfully requested.

Claims 1-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,380,996 (*Yokoyama et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 1 is directed to an optical compensatory sheet comprising a transparent substrate and an optically anisotropic layer comprising at least one compound selected from the group represented by Formula (II):

Formula (II)



where  $A^1$ ,  $A^2$  and  $A^3$  respectively represent an alkylene group;  $R^1$ ,  $R^2$  and  $R^3$  respectively represent a substituted or non-substituted alkyl group or a substituted or non-substituted aryl group; and  $m^1$ ,  $m^2$  and  $m^3$  respectively represent an integer from 1 to 10, and when  $m^1$ ,  $m^2$  and  $m^3$  are respectively not less than 2, plural  $A^1$ ,  $A^2$  or  $A^3$  may be same as or different from each other; and the optically anisotropic layer further comprises liquid crystal molecules fixed in hybrid alignment.

According to additional exemplary aspects, independent claim 10 is directed to an elliptical polarizing plate, and independent claim 11 is directed to a liquid crystal display.

*Yokoyama et al* does not disclose each feature recited in claims 1, 10 and 11, and as such fails to constitute an anticipation of such claims. For example, *Yokoyama et al* does not disclose an optically anisotropic layer comprising at least one compound selected from the group represented by Formula (II), where  $R^1$ ,  $R^2$  and  $R^3$  respectively represent a substituted

or non-substituted alkyl group or a substituted or non-substituted aryl group; and  $m^1$ ,  $m^2$  and  $m^3$  respectively represent an integer from 1 to 10, as recited in claims 1, 10 and 11.

In this regard, the Patent Office has relied on *Yokoyama et al* for disclosing compounds having the formula (IV) disclosed at column 24, and specifically compounds MM-87 and MM-88 disclosed at column 28, lines 65-66 and compound MM-93 disclosed at column 29, line 25 (Official Action at page 3). However, compounds MM-87 and MM-88 do not correspond to the claimed formula (II) compound, where  $R^1$ ,  $R^2$  and  $R^3$  respectively represent a substituted or non-substituted alkyl group or a substituted or non-substituted aryl group. By comparison, each of the disclosed compounds MM-87 and MM-88 contains at least one  $-\text{CH}=\text{CH}_2$  group at a position corresponding to  $R^1$ ,  $R^2$  or  $R^3$ . Such  $-\text{CH}=\text{CH}_2$  group is not a substituted or non-substituted alkyl group or a substituted or non-substituted aryl group, as recited in claims 1, 10 and 11. Further, compound MM-93 disclosed by *Yokoyama et al* does not correspond to the claimed formula (II) compound which contains hydrogen atoms directly bonded to the nitrogen atoms that are bonded to the cyclic structure. In stark contrast, *Yokoyama et al* discloses that compound MM-93 contains a  $-(\text{CH}_2)_2\text{-O-C}_2\text{H}_5$  group at each of the  $R_{41}$  to  $R_{46}$  positions in the formula set forth at column 29, lines 1-15.

In view of the above, it is apparent that *Yokoyama et al* does not constitute an anticipation of independent claims 1, 10 and 11. Accordingly, for at least the above reasons, withdrawal of the above §102(b) rejection is respectfully requested.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being obvious over *Yokoyama et al*. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 12 depends from independent claim 11. For the reasons discussed above, *Yokoyama et al* fails to disclose or suggest an optically anisotropic layer comprising at least one compound selected from the group represented by Formula (II), where  $R^1$ ,  $R^2$  and  $R^3$

respectively represent a substituted or non-substituted alkyl group or a substituted or non-substituted aryl group; and  $m^1$ ,  $m^2$  and  $m^3$  respectively represent an integer from 1 to 10, as recited in claim 11. Accordingly, it is apparent that no *prima facie* case of obviousness exists with respect to claim 12, and as such, withdrawal of the above rejection is respectfully requested.

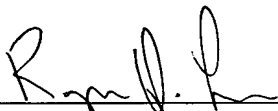
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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